

IN THE U.S. PATENT AND TRADEMARK OFFICE

April 14, 1998

Applicants : Hidenari YASUI et al  
For : PROCESS AND APPARATUS FOR BIOLOGICAL  
TREATMENT OF AQUEOUS ORGANIC WASTES

Serial No. : 08/309 868 Group : 1302

Filed : September 21, 1994 Examiner: C. Sherrer

Atty. Docket  
No.: Yanagihara Case 28

Assistant Commissioner for Patents  
Washington, D. C. 20231

## LETTER TO EXAMINER

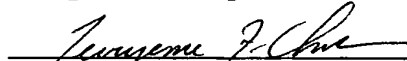
Sir:

In a communication from the Examiner dated March 19, 1998, the Examiner indicated that the Information Disclosure Statement filed December 24, 1997 failed to comply with 37 CFR 1.97(d) because it lacked a statement as specified in 37 CFR 1.97(e). Enclosed herewith for the Examiner's benefit is a copy of 37 CFR 1.97(e)(1) with the applicable portion therein encircled and a copy of Applicants' Information Disclosure Statement and Petition for Consideration dated December 19, 1997 in which the statement under 37 CFR 1.97(e) is contained and encircled.

Since the previously filed Information Disclosure Statement clearly complies with 37 CFR 1.97(e) and the Examiner clearly is mistaken, Applicants will await receipt of a communication from the Patent Office indicating that the information contained in said Information Disclosure Statement has been considered.

Respectfully submitted,

TFC/smd

  
Terryence F. Chapman

FLYNN, THIEL, BOUTELL	Dale H. Thiel	Reg.No. 24 323
& TANIS, P.C.	David G. Boutell	Reg.No. 25 072
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	Sidney B. Williams, Jr.	Reg.No. 24 949
	Timothy B. Clise	Reg.No. 40 957
	Liane L. Churney	Reg.No. 40 694

Encl: Copy of 37 CFR 1.197(e)(1)  
Copy of Applicants' Information Disclosure Statement and  
Petition for Consideration, dated December 19, 1997

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## Patent and Trademark Office, Commerce

an application number and filing date  
thereto in an eye-readable form. The  
middle portion of the header shall be  
used by applicant to apply an eye-read-  
able application identification such as  
the title and/or the first inventor's  
name. The attorney's docket number  
may be included. The final right-hand  
portion of the microfiche shall contain  
sequence information for the micro-  
fiche, such as 1 of 4, 2 of 4, etc.

(iv) Additional requirements which  
apply specifically to microfiche of  
filmed paper copy:

(A) The first frame of each micro-  
fiche submitted shall contain a test  
target.

(B) The second frame of each micro-  
fiche submitted must contain a fully  
descriptive title and the inventor's  
name as filed.

(C) The pages or lines appearing on  
the microfiche frames should be con-  
secutively numbered.

(D) Pagination of the microfiche  
frames shall be from left to right and  
from top to bottom.

(E) At a reduction of 24:1, resolution  
of the original microfilm shall be at  
least 120 lines per mm. (5.0 target).

(F) An index, when included, should  
appear in the last frame (lower right-  
hand corner when data is right-read-  
ing) of each microfiche.

(v) Microfiche generated by Com-  
puter Output Microfilm.

(A) The first frame of each micro-  
fiche submitted should contain a reso-  
lution test frame.

(B) The second frame of each micro-  
fiche submitted must contain a fully  
descriptive title and the inventor's  
name as filed.

(C) The pages or lines appearing on  
the microfiche frames should be con-  
secutively numbered.

(D) It is preferred that pagination of  
the microfiche frames be from left to  
right and top to bottom but the alter-  
native, i.e., from top to bottom and  
from left to right, is also acceptable.

(E) An index, when included, should  
appear on the last frame (lower right-  
hand corner when data is right-read-  
ing) of each microfiche.

(6) R 42804, Aug. 19, 1996]

## §1.97

### INFORMATION DISCLOSURE STATEMENT

#### §1.97 Filing of information disclosure statement.

(a) In order for an applicant for a pat-  
ent or for a reissue of a patent to have  
an information disclosure statement in  
compliance with §1.98 considered by  
the Office during the pendency of the  
application, it must satisfy paragraph  
(b), (c), or (d) of this section.

(b) An information disclosure state-  
ment shall be considered by the Office  
if filed by the applicant:

(1) Within three months of the filing  
date of a national application;

(2) Within three months of the date  
of entry of the national stage as set  
forth in §1.491 in an international ap-  
plication; or

(3) Before the mailing date of a first  
Office action on the merits, whichever  
event occurs last.

(c) An information disclosure state-  
ment shall be considered by the Office  
if filed by the applicant after the pe-  
riod specified in paragraph (b) of this  
section, provided that the statement is  
accompanied by either a certification  
as specified in paragraph (e) of this sec-  
tion or the fee set forth in §1.17(p), and  
is filed before the mailing date of ei-  
ther:

(1) A final action under §1.113; or  
(2) A notice of allowance under §1.311,  
whichever occurs first.

(d) An information disclosure state-  
ment shall be considered by the Office  
if filed by the applicant after the pe-  
riod specified in paragraph (c) of this  
section, provided that the statement is  
filed on or before payment of the issue  
fee and is accompanied by:

(1) A certification as specified in  
paragraph (e) of this section;

(2) A petition requesting consider-  
ation of the information disclosure  
statement; and

(3) The petition fee set forth in  
§1.17(i).

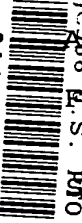
(e) A certification under this section  
must state either:

(1) That each item of information  
contained in the information disclo-  
sure statement was cited in a commu-  
nication from a foreign patent office in  
a counterpart foreign application not  
more than three months prior to the  
filing of the statement, or

PATENT APPLICATION  
IN THE U.S. PATENT AND TRADEMARK OFFICE

December 19, 1997

04/20/98



Applicant(s): Hidenari YASUI et al

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COPY

The Commissioner of Patents and Trademarks  
Washington, D. C. 20231

INFORMATION DISCLOSURE STATEMENT  
AND  
PETITION FOR CONSIDERATION

Sir:

In compliance with the provisions of Rules 1.97(d)(1) and 1.98, Applicants respectfully petition for consideration of the prior art enclosed herewith and listed on the enclosed Form PTO-1449. A check in the amount of \$240 is enclosed.

In compliance with the provisions of Rule 97(e)(1), enclosed herewith is a copy of JP5-23688. Applicants were made aware of this patent in an Examination Report from an EPO examiner which was received by Applicants' associates in London on October 17, 1997 and by Applicants on November 7, 1997.

An English language abstract is attached to the aforesaid Japanese Patent. Accordingly, further comment at this point in time should not be necessary.

I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit

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any overpayment, to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.

Further consideration is respectfully solicited.

Respectfully submitted,

IN DUPLICATE

TFC/smd

Terryence F. Chapman

FLYNN, THIEL, BOUTELL  
& TANIS, P.C.

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Reg.No. 32 549

Reg.No. 36 589

Reg.No. 31 257

Reg.No. 24 949

Reg.No. 40 957

Reg.No. 40 694

Reg.No. 37 782

Encl: Form PTO-1449 and reference cited thereon  
Check (\$240)  
Postal Card

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